



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/153580

PRELIMINARY RECITALS

Pursuant to a petition filed November 20, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services in regard to Child Care, a hearing was held on February 18, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly denied Petitioner's application for child care benefits because household income was in excess of program limits

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703

By: Jose Silvestre

Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner applied for child care eligibility in September 2013. That application was denied as the agency determined that the household had income in excess of 185% of the Federal Poverty Limit (FPL). Her household size is 2.

3. The agency determined Petitioner's gross income to be \$2404.56 based on employment of 40 hours per week at \$13.98 per hour (\$13.98 x 40 x 4.3 weeks per month).
4. Petitioner's household size is 2.
5. 185% of the FPL for a household of 2 was \$2391.00 at the time of the denial. *Operations Memo 13-04, issued February 1, 2013.* As of February 1, 2014 that increased to \$2425.00 per month. *See Operations Memo 14-05, issued February 21, 2014.*

DISCUSSION

There is an income test for child care eligibility, both at application and for ongoing eligibility.

Financial eligibility for non-court ordered kinship care relatives is based upon their gross income being not more than 185% federal poverty level (FPL) at the time of application, and no more than 200% FPL for two consecutive months for on-going cases.

Wisconsin Shares Child Care Assistance Manual, §1.14.1; also see §1.6.3.

185% of the Federal Poverty Level (FPL) for a group of 2 was \$2391.00 during the time relevant here. *Again, see Operations Memo 13-04, issued February 1, 2013.*

The child care program does give detailed guidance, with an example, as to how to compute income:

Calculate income prospectively by making the best estimate of monthly income based upon the information available. Multiply the hourly rate of payment by the number of hours worked per week.

$\$7.50 \times 40 = \300 per week.

Multiply the amount per week by 4.3 weeks to arrive an average monthly income.

$\$300 \times 4.3 \text{ weeks} = \$1,290$ per month

Convert income received less than a month to a monthly amount.

$\$700$ per month tenant payment = $\$700/\text{month}$

Wisconsin Shares Child Care Assistance Manual, §1.6.6.

Petitioner's income was over the child care gross income limit at the time of application and I must conclude that the county agency correctly denied child care benefits due to income.

It does appear, however, that Petitioner's gross income may now be below the new income limit and she may wish to reapply.

CONCLUSIONS OF LAW

That the agency correctly denied Petitioner's application for child care because her household income was in excess of program income limits applicable at the time of the application involved here.

THEREFORE, it is

ORDERED

That this appeal is dismissed

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 201 East Washington Avenue, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 20th day of March, 2014

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 20, 2014.

Milwaukee Enrollment Services
Child Care Benefits